

WASH STAR 28 FEB 68

Approved For Release 2001/07/26 : CIA-RDP70B00338R000200010100-4

DAVID LAWRENCE

Fulbright's Right to Question Hit

Lots of people who have read the Constitution and are familiar with its provisions must wonder where Chairman J. William Fulbright of the Senate Foreign Relations Committee gets the right to call for an examination of "the decision-making process" of the commander of the armed services of the United States.

The Constitution states specifically that the President "shall be commander in chief of the Army and Navy of the United States." Congress is given the power to declare war. But the responsibility for taking this action is its own. Once a resolution authorizing the use of the armed forces has been adopted, the President has full power to conduct the war according to his own best judgment and the advice of the military chiefs.

What is more germane at this time is an inquiry into the right of a congressional committee to seek in the middle of a war to give the impression that the President of the United States, as commander in chief, did not know what he was doing when he asked Congress for a resolution that has since been called "the functional equivalent to a declaration of war."

The Senate has two committees which deal, directly and indirectly, with military affairs. One is the Foreign Relations Committee, and the other is the Armed Services Committee. Usually all military matters are referred to the Armed Services Committee, of which Sen. Richard Russell of Georgia is chairman. If any

question in this field arises, it is this committee which usually looks into the matter. In fact, it handles all appropriations in the military category.

The Foreign Relations Committee, on the other hand, is concerned with the ratification or rejection of treaties negotiated by the President with foreign governments.

The right of a President to take measures to defend the American people is implied in the Constitution when he is designated as commander in chief of the armed forces. There are occasions when a chief executive may decide, as President Truman did, that a declaration of war is not necessary. This happened when this country was asked by the United Nations to participate in the collective defense of South Korea.

In the case of the Vietnam war, however, a resolution was requested by President Johnson immediately after the incidents in the Gulf of Tonkin in August 1964. The President was to be given authority to "take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." The resolution was adopted a few days later by an almost unanimous vote of both houses of congress.

The Senate Foreign Relations Committee discussion indicates that some members believe they have the right now to pass judgment upon the "decision-making process," and that it was wrong to take steps to retaliate when Ameri-

can vessels were attacked. Many military men today, on the other hand, believe that, when the United States sent its forces into Southeast Asia to help South Vietnam repel aggression, it was a big mistake not to bomb North Vietnam at once and destroy quickly the supply lines which have been so vital to the Communist military operations. The President thought that it was not wise to do so, and his judgment prevailed.

The "Gulf of Tonkin" resolution, passed in August 1964, specifically provides that the authorization may be terminated at any time "by concurrent resolution of the Congress." No such proposal has emanated from any committee of the House or the Senate.

What is really needed is not an examination of "the decision-making process" of the President as commander in chief, but an examination of the manner in which congressional committees can interfere with the conduct of a war once Congress has authorized military operations.

The impression being given to the adversaries of the United States is that an insurgency has arisen in its own national legislative body and that sooner or later the United States will retreat and withdraw from the war. This encourages the Communists not only to continue their aggressions in Vietnam and take over the country, but to plan to apply the same hostile policies later against other free nations in Asia as well as in Europe.

© 1968